

Medical-Legal Partnerships



During the course of examination doctors may determine their patients need public benefits like food stamps or that they cannot work and should be on disability benefits but they aren't getting them. They may suspect they are victims of abuse or financial exploitation or maybe they just need a power of attorney or a simple will.

In other words, they need a lawyer.

Medical-Legal Partnership: An approach to health whereby hospitals and other health professionals collaborate with attorneys to address and prevent health-harming social and legal needs for patients.

The factors that contribute to health go well beyond the walls of a hospital.



"health disparities adversely affect groups of people who have systematically experienced greater obstacles to health based on their racial or ethnic group; religion; socioeconomic status; gender; age; mental health; cognitive, sensory, or physical disability; sexual orientation or gender identity; geographic location; or other characteristics historically linked to discrimination or exclusion." These definitions recognize that health disparities are rooted in the social, economic, and environmental context in which people live."

<http://kff.org/disparities-policy/issue-brief/beyond-health-care-the-role-of-social-determinants-in-promoting-health-and-health-equity/>

Determinants of health are those factors that contribute or cause a person's current state of health.

These include:

Biological and genetic: example: sex and ethnicity

Individual behavior: example: smoking and alcohol use

Social environment: example: income

Physical environment: example: housing situation

Health services: example: regular access to health care and insurance.

Addressing social determinants of health is important for achieving greater health equity.

Medical Legal Partnerships seek to address the health harming legal needs that arise from a person's social determinants of health.

A health harming legal need is a social, financial, or environmental problem that has a harmful impact on a person's health and that can be addressed through civil legal aid.

How are the services provided by a Medical Legal Partnership different than those normally provided by Legal Aid?

Clients are referred to the Medical Legal Partnership by health care provider, with the consent of the patient.

MLP attorney visits with the patient in their hospital room, at the doctor's office or will go to the patient's home if they are unable to travel

MLP attorney addresses issues before they become an emergency legal issue for the patient/client

How can health problems result from legal issues and how do they effect the elderly?



Housing:

Substandard Housing:

Low income individuals will sometimes need assistance with public housing and often live in homes without utilities and running water and those infested with mold and bugs. Indoor air pollutants like mold and pest have a greater impact on those with chronic breathing problems than outdoor air pollutants.

ADA accommodation

Mutual termination agreements

A growing problem for seniors, especially those with dementia, is "patient dumping" by long term care/nursing care facilities.

Patients wrongfully discharged can end up left at the emergency department of hospitals or housed in their psych wards.

Families most often do not understand their rights or how to appeal a wrongful discharge

STEADY SOURCE OF INCOME:

A patient who lacks a steady source of income will often choose between food and filling their prescriptions. In the case of an insulin dependent diabetic that choice can be devastating to their health

Additionally, lack of income can result in failure to seek regular health care treatment needed to control chronic diseases such as asthma and congestive heart failure. This leads to avoidable hospitalizations and medical costs.

When appropriate, lack of income can be addressed through:

Food stamps;

According to 2006 U.S. Department of Agriculture data, almost 18 percent of low-income elderly (with incomes below 130 percent of the poverty line) who live with others are food insecure, as are more than 12 percent of low-income seniors who live alone. And although 65 percent of individuals who are eligible for food stamps receive benefits, the participation rate among the elderly is much lower at only 30 to 40 percent.

Aid to the Aged, Blind or Disabled cash assistance (AABD);

Social security disability/supplemental security income;

<https://www.americanprogress.org/issues/poverty/report/2008/07/30/4690/elderly-poverty-the-challenge-before-us/>

CASE EXAMPLE:

Sara was a 60 year old patient who could not afford her high blood pressure medication. As a direct result she was hospitalized three times in one year for high blood pressure crisis. She had additional disabilities that kept her from employment. The medical legal partnership (MLP) was able to successfully obtain disability benefits for her. As a result she had access to a steady source of income and access to her medication. Not only did this improve her health but it saved the hospital from any further unpaid hospitalizations.

Other factors that affect income:

Medicaid denials:

Predatory Lending;

Collection of invalid debt;

Pressure to pay on debt beyond their means;

Case Example:

Ben was an 70 year old man whose monthly social security retirement income was being withheld by social security as a result of an overpayment of social security disability income.

Further investigation by the MLP determined that overpayment was not valid. After a successful appeal, Ben's monthly payments resumed and was repaid \$17,000 that had already been wrongfully withheld.

Employment:

Family and Medical Legal Act Leave (FMLA)

Americans with Disabilities Act Leave (ADA)

Unemployment

The problem of emergency legal care versus pre-planning is very evident in the case of advanced care planning.

Powers of attorney/Powers of attorney for Health Care vs. Guardianships/Conservatorships



MLPs seek to educate health care staff to recognize health-harming civil legal needs and to screen patients for those needs. Each year hundreds of health care professionals across the country receive MLP training.

There are close to 300 MLPs in the United States in over 30 states.

Please indicate which of the following describes a problem(s) with:

Housing:

- ☐ Bugs (e.g. roaches) or rodents
- ☐ Landlord dispute
- ☐ Unreliable utilities (e.g., electricity, gas, heat)
- ☐ Medical condition that makes it difficult to live in current house
- ☐ Mold/dampness
- ☐ Threat of Eviction

Income/benefits:

- ☐ Medicare/Medicaid/health insurance
- ☐ Disability
- ☐ Supplemental Nutrition Assistance Program (SNAP)/Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- ☐ Unemployment benefits/compensation
- ☐ Child support

Education/Employment

- ☐ I am unable to earn income as a result of a disability
- ☐ A child of mine is struggling in school (e.g., at risk of failing, repeatedly suspended/expelled or being held back) and is not receiving special education services.